

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,)	
)	
Plaintiff)	CIVIL ACTION NO.
v.)	
)	
RESTAURANT & BAR ARTHUR'S LTD, d/b/a ARTHUR'S RESTAURANT AND BAR, SAN FRANCISCO ROSE, INC. AND ST. MARTIN'S, INC.,)	<u>COMPLAINT</u>
)	
Defendant)	JURY TRIAL DEMAND
)	

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex and to provide appropriate relief to Jennifer Todd who was terminated by Defendants based on her sex, female, because of her pregnancy.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343, and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of the Civil Rights Act of 1964, as amended, ("Title VII"), 42 U.S.C § 2000e-5(f)(1), (3) and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. Sec. 1981a.

2. The employment practice alleged to be unlawful was committed within the jurisdiction of the United States District Court for the Northern District of Texas.

PARTIES

3. Plaintiff, Equal Employment Opportunity Commission (the "Commission"), is an agency of the United States of America charged with the administration, interpretation and enforcement of Title VII of the Civil Rights Act of 1964, as amended and is expressly authorized to bring this action by Section 706(a) of Title VII, 42 U.S.C. § 2000e-5(a).

4. At all relevant times, Defendants Restaurant & Bar Arthur's Ltd. d/b/a Arthur's Restaurant and Bar and its general partner San Francisco Rose, Inc. and St. Martin's Inc. have continuously been and are now doing business in the State of Texas and have continuously had at least fifteen employees.

5. At all relevant times, Defendants Restaurant & Bar Arthur's Ltd. d/b/a Arthur's Restaurant and Bar and its general partner San Francisco Rose, Inc. and St. Martin's Inc. have continuously been an employer engaged in an industry affecting commerce under Section 701(b), (g) and (h) of Title VII, 42 U.S.C. §2000e-(b), (g) and (h).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Jennifer Todd filed a charge with the Commission alleging a violation of Title VII of the Civil Rights Act of 1964, as amended, by the Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. During the employment of Jennifer Todd, the Defendants engaged in unlawful employment practices in violation of §703(a)(1) and §701(k) of Title VII, 42 U.S.C. § 2000e-2(a)(1) and §2000e(k), by terminating her because of her pregnancy.

8. Respondent is an Addison, Texas restaurant that specializes in prime steaks and seafood. The restaurant also features a cocktail lounge, where Ms. Todd worked as a part-time cocktail waitress beginning in May 2011. In May 2012, Ms. Todd informed her supervisors that she was pregnant. In August 2012, one of her supervisors made a remark that she was beginning to “show” and soon thereafter terminated Ms. Todd from her position.

9. The result of the foregoing practices has been to deprive Jennifer Todd of equal employment opportunities because of her sex under Title VII.

10. The unlawful employment practices complained of in paragraphs 7-8 above were intentional.

11. The unlawful employment practices complained of in paragraph 7-8 above were done with malice or with reckless indifference to the federally protected rights of Jennifer Todd.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendants Restaurant & Bar Arthur’s Ltd. d/b/a Arthur’s Restaurant and Bar and its general partner San Francisco Rose, Inc. and St. Martin’s Inc., their officers, successors, assigns, and all persons in active concert or participation with them, from engaging in any employment practice which discriminates on the basis of sex, female (pregnancy).

B. Order the Defendants to institute and carry out policies, practices, and programs which provide equal employment opportunities for pregnant employees, and which eradicate the effects of its past and present unlawful employment practices.

C. Order the Defendants to make whole Jennifer Todd, by providing appropriate back pay with prejudgment interest in amounts to be determined at trial, front pay, pecuniary

damages, compensatory damages, including out-of-pocket expenses, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices.

D. Order the Defendants to make Jennifer Todd whole by providing compensation for past and future non-pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, including but not limited to, pain and suffering, humiliation, embarrassment, emotional distress, anxiety, and loss of enjoyment of life, in amounts to be determined at trial.

E. Order the Defendants to pay Jennifer Todd punitive damages for their malicious conduct or reckless indifference described and referenced in paragraph 7 above, in an amount to be determined at trial.

F. Grant such further relief as the Court deems necessary and proper in the public interest.

G. Award the Commission its costs in this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its Complaint.

Respectfully submitted,

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